

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**


WILLIAM ELLIOT HICKS,	:	
BOP REG NO. 56178-019,	:	MOTION FOR NEW TRIAL
Petitioner,	:	
	:	CIVIL FILE NO.
v.	:	1:10-CV-2016-RWS
	:	
UNITED STATES OF AMERICA,	:	
Respondent.	:	

ORDER AND OPINION

Petitioner has filed a “Motion for New Trial Pursuant to Fed. R. Civ. P. 60(b)(3)” which the Clerk of the Court has construed as a 28 U.S.C. § 1361 petition for a writ of mandamus. In his motion, Petitioner seeks to have the Order denying his 28 U.S.C. § 2255 motion to vacate, set aside, or correct sentence vacated. Because of the relief Petitioner seeks, this motion should have been docketed in Petitioner’s criminal case.

The Clerk of the Court is **DIRECTED** to **ADMINISTRATIVELY CLOSE** Civil Action No. 1:10-CV-2016-RWS and to file this motion in Criminal Action No. 1:04-CR-478-RWS.

IT IS SO ORDERED, this 2nd day of August, 2010.


RICHARD W. STORY
United States District Judge